IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.832 OF 2004

The State of Maharashtra ...Applicant

Versus

Suryakant Baburao Koli & Ors. ...Respondents

Shri A.S.Shitole, A.P.P for the Applicant.
Ms Ramya Mahesh holding for Smt.Sunanda R. Kumbhat for the Respondent Nos.1 to 3.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 21, 2006.

P.C.:

1. Heard the learned A.P.P for the State and the Advocate for the Respondents. The acquittal of the Respondents is for offences punishable under section 324 read with section 114 of the Indian Penal Code.

2. The case of the prosecution is that the complainant and accused are residents of the same building. The Respondents accused are closely related to the complainant. On 12th September, 1999, in the morning, the complainant and his brother were painting a picture of lord Ganesha on a wall. For the purposes of doing the work of painting, they had put on the light in the staircase. There was a quarrel between the complainant and the second Respondent over the light. At that time the first and third Respondents came there. Allegation of the complainant is that the

first Respondent was possessing a knife in his hand and by the said knife he assaulted the complainant on chest.

3. Perusal of the impugned Judgment shows that the learned Judge has considered the entire oral and documentary evidence on record. The learned Judge has noted that there was a property dispute between the complainant and the accused persons. The learned Judge noted that the case of the prosecution was that as a result of the injury on the chest of the complainant, blood started oozing from the wound. It was found that the shirt on the person of the complainant was not seized by the police. There is no recovery of knife which is allegedly used as a weapon of offence. P.W.3, Medical Officer admitted that the injury possessed by the complainant can also be self-inflicted injury and is possible if a person falls on sharp edged object.

4. The learned Judge noted that though the incident is of 12th September, 1999, the statement of P.W.2 was recorded on 11th January, 2000. Considering all these aspects, the learned Judge has passed an order of acquittal. The conclusion drawn by the learned Judge is a possible conclusion which could have been drawn on the basis of evidence on record. No case is made out for grant of leave. Appeal is dismissed.

JUDGE